



City of Culver City

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Staff Report

File #: 19-418, **Version:** 1

Item #: C-4.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Fireline Broadband for Use of the Public Right-of-Way; 1) Along Blackwelder Street and La Cienega Boulevard; and, 2) Along Blackwelder Street and Smiley Drive to Install 396 Feet of Fiber Optic Line.

Meeting Date: November 12, 2018

Contact Person/Dept: Christopher Evans/Public Works Department

Phone Number: (310) 253-5621

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☐ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (11/06/18); (E-Mail) Fireline (10/04/18)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (10/30/18)

RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Fireline Broadband (Fireline) for use of the public right-of-way; 1) Along Blackwelder Street and La Cienega Boulevard; and, 2) Along Blackwelder Street and Smiley Drive to Install 396 Feet of Fiber Optic Line.

BACKGROUND/DISCUSSION

Fireline is proposing to install new fiber optic pathways at two (2) locations along Blackwelder Street, Smiley Drive and La Cienega Boulevard to interconnect Fireline's existing network.

The work involves installing new underground conduit and fiber optic line. The first route begins at an existing utility pole on Blackwelder Street approximately 80 feet west of La Cienega Boulevard. The fiber optic line is taken underground and runs eastward to La Cienega Boulevard, then turn south and runs approximately 109 feet under the sidewalk, terminating at an existing utility pole. The

second route begins at an existing utility pole on Smiley Drive near the intersection of Blackwelder Street. The fiber optic line is taken underground and runs southward 207 feet to Blackwelder Street, terminating at an existing utility pole.

The total distance of the new installations in the public right-of-way is approximately 396 linear feet. All work will be underground and placed via directional boring.

Legal Framework

Fireline is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Fireline to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication lines along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by Certificate of Public Convenience & Necessity holders but allow municipalities to impose reasonable time, place and manner regulations pertaining to construction of telecommunications facilities within the City's rights-of-way.

The City's time, place and manner regulations will be documented in an Encroachment Agreement between the City and Fireline. To protect the City's interests, this agreement will contain provisions requiring that Fireline repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by Fireline.

FISCAL ANALYSIS

Per Section 11.20.025B of the Culver City Municipal Code, the City may collect an application fee as compensation for City staff time expended in reviewing telecommunication applications. Based on Resolution No. 2013-R034 a fee in the amount of \$3,927 will be paid by Fireline prior to issuance of an encroachment permit.

ATTACHMENTS

1. 2018-11-12 - ATT System Exhibit
2. 2018-11-12 - ATT Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with Fireline Broadband for use of the public right-of-way; 1) Along Blackwelder Street and La Cienega Boulevard; and, 2) Along Blackwelder Street and Smiley Drive to Install 396 Feet of Fiber Optic Line.;
2. Authorize the City Attorney to review/prepare the necessary documents; and,

3. Authorize the City Manager to execute the documents on behalf of the City